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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 RICK PERRY,

13 Plaintiff,

14 v.

15 T.D. SERVICE COMPANY, et al.,

16 Defendants.
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Case No.: C 09-3767 PVT

**ORDER CONTINUING HEARING; AND
SETTING NEW DEADLINE FOR PLAINTIFF
TO FILE EITHER A “CONSENT TO
PROCEED BEFORE A UNITED STATES
MAGISTRATE JUDGE,” OR ELSE A
“DECLINATION TO PROCEED BEFORE A
UNITED STATES MAGISTRATE JUDGE AND
REQUEST FOR REASSIGNMENT”**

18 On August 24, 2009, Defendants AHMSI Default Services, Inc. and Wells Fargo Bank, N.A.
19 (the “AHMSI Defendants”) filed a motion to dismiss.¹ Pursuant to Civil Local Rule 73-1(a)(2), no
20 later than five court days after that motion was filed each party was required to file either a written
21 consent to the jurisdiction of the magistrate judge, or request reassignment to a district judge.² The
22 AHMSI Defendants have filed a consent to magistrate judge jurisdiction, however Plaintiff has not
23 yet filed either form. (None of the other Defendants have yet made any appearance.) Therefore,
24 based on the file herein,

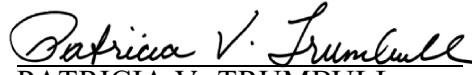
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26 ¹ The holding of this court is limited to the facts and the particular circumstances
27 underlying the present motion.

28 ² Magistrate Judges have authority to hear dispositive motions, such as the motion to strike
and dismiss filed by Plaintiff, only in cases where all parties have consented to Magistrate Judge
jurisdiction. *See* 28 U.S.C. § 636(c)(1).

1 IT IS HEREBY ORDERED that no later than October 27, 2009, Plaintiff shall file either a
2 "Consent to Proceed Before a United States Magistrate Judge," or else a "Declination to Proceed
3 Before a United States Magistrate Judge and Request for Reassignment." Both forms are available
4 from the clerk of the court, or from the Forms (Civil) section of the court's website at
5 www.cand.uscourts.gov.

6 IT IS FURTHER ORDERED that the hearing on Defendants' motion to dismiss and motion
7 to expunge is CONTINUED to November 17, 2009.

8 Dated: 10/21/09

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10 PATRICIA V. TRUMBULL
11 United States Magistrate Judge
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